

Serial No. 09/632,400

KG-1486

Remarks

The Applicant first wishes to thank the Examiner for the courtesy extended to Applicant's attorney during the telephonic interview on August 27, 2003 during which the pending claims and art of record including DE 19634314 and an English translation of DE 19634314 were discussed. A copy of the English translation of DE 19634314 is being provided with this response for the Examiner's consideration and to be made of record.

The Office Action mailed June 3, 2003 has been carefully considered. After such consideration, none of the claims have been amended. To clarify the record, Applicant notes that Claims 26-41 were canceled without prejudice to the subject matter therein as being directed to a non-elected invention in the response dated June 25, 2002. As such, Claims 1-25 and 42-63 remain in the case with none of the claims being allowed. Reconsideration and allowance in view of the following is respectfully requested.

The Office Action had rejected Claims 1-25 and 32-63 [sic] under 35 U.S.C. 103(a) as being unpatentable over DE 19634314 (DE '314). As the only remaining claims in the case, Applicant respectfully submits that the rejection may be directed at only Claims 1-25 and 42-63. Applicant traverses the 35 U.S.C. 103(a) rejection of Claims 1-25 and 42-63 in view of DE '314.

In making the rejection, the Office Action states:

DE '314 discloses the invention substantially as claimed. DE '314 discloses at Fig 2 and accompanying discussion a tool piece comprising:

a first hard metal body (26);  
an addition body (25) bonded to the first hard metal body through a mating surface (23) by a high pressure ( $50 \times 10^7$  Pa, col. 5. line 23-32).

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This interpretation appears to be based on an out of context translation of DE '314. The passage at col. 5, line 23-32 of DE '314 corresponds to the second paragraph on page 5 of the English translation of DE '314 that states:

As shown in Fig. 1, a single compound component 20 can be created from two parts 21 and 22 with a common joining surface 23 which is uneven. For producing said compound component, a first mix followed by a second mix are loosely layered by filling a compactor accordingly, where the mixes differ with regard to their material composition and are used in granular form. With an exceedingly wide grain size spectrum the grain size ranges between 60  $\mu\text{m}$  and 250  $\mu\text{m}$ . Subsequently, the two mixes are compacted into a uniform green compact by lowering a pressure die under a pressure of up to  $50 \times 10^7$ , followed by finally sintering said green compact under normal sintering conditions. An uneven interface 23 firmly bonded on the joining surface 23 is thus obtained. (Emphasis Added)

The pressure disclosed in this paragraph relates to the compacting pressure used for making a single green compact. This compact is subsequently sintered under normal sintering conditions. A reading of the entire English translation of DE '314 shows that it neither discloses nor suggests that for which it was cited. Thus, the 35 U.S.C. 103(a) rejection is improper. The 35 U.S.C. 103(a) rejection of Claims 1-25 and 42-63 being improper should be withdrawn.

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The Applicant submits that by this amendment he have placed Claims 1-25 and 42-63 of the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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